

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA BEACH, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Case No. [21-cv-08612-RS](#)

**ORDER LIFTING STAY, SETTING
BRIEFING SCHEDULE, AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

The parties agree it is now appropriate to lift the stay in this action, and it is so ordered. Defendant's proposal to file a new motion to dismiss rather than renewing the prior limited motion is acceptable. Defendant's motion is due on November 2, 2023, and shall be set for hearing on January 11, 2024, although it may subsequently be ordered submitted without oral argument. Plaintiffs shall either file an opposition to the motion or an amended complaint no later than December 5, 2023. If plaintiffs oppose the motion to dismiss, defendant's reply will be due December 19, 2023. If plaintiffs instead file an amended complaint, defendant shall answer or otherwise respond by January 11, 2024.

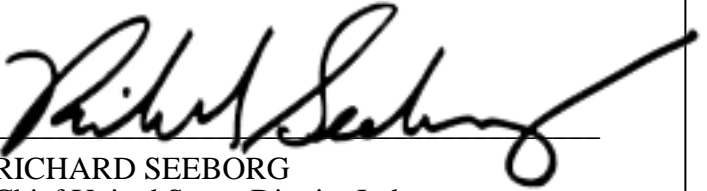
Based on plaintiffs' representation that they intend to pursue discovery relevant to claims not at issue in defendant's motion to dismiss, no formal stay of discovery will be entered. If defendants have a good faith basis to contend a favorable ruling on their motion to dismiss will obviate the need for particular discovery, or for any discovery, they may state such an objection as part of their written responses, and decline to provide documents or substantive answers pending

1 resolution of the motion to dismiss. The parties should proceed, however, with the meet and
2 confer process to resolve any other objections or issues regarding the discovery requests and
3 responses. If plaintiffs believe a ruling in defendant's favor on the motion to dismiss will *not*
4 obviate the need for the discovery in dispute, the parties shall meet and confer on that point as
5 well. If resolution of the motion to dismiss becomes unduly protracted, plaintiffs may seek a court
6 ruling that defendant must respond substantively to the disputed discovery in the interim.

7 The Case Management Conference is continued to February 1, 2024.

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9 **IT IS SO ORDERED.**

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11 Dated: October 2, 2023

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13 RICHARD SEEBORG
14 Chief United States District Judge
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